

The Honorable Suzanne Barnett

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RAUL SWAIN and KATHLEEN SCHONS,  
individually and as guardians of minor child,  
JAXOM [REDACTED]

Plaintiffs,

vs.

SWEDISH HEALTH SERVICES d/b/a  
SWEDISH MEDICAL CENTER, and  
MICHAEL C. SHANNON, M.D.,

Defendants.

NO. 12-2-15607-7 SEA

**DEFENDANTS' ANSWER TO  
PLAINTIFFS' COMPLAINT FOR  
MEDICAL NEGLIGENCE**

Defendants Swedish Health Services d/b/a Swedish Medical Center and Michael C. Shannon, M.D., (hereinafter "Defendants"), answers Plaintiffs' Complaint for Medical Negligence as follows:

**I. JURISDICTION AND VENUE**

1.1 Paragraph 1.1 is a legal conclusion, requiring no response from Defendants. Defendants admit that the events underlying Plaintiffs' Complaint occurred in King County, Washington.

1.2 Defendants acknowledge that Plaintiffs did not elect to submit this dispute to arbitration pursuant to RCW 7.70A.020, and that a declaration of plaintiff's counsel was filed with Plaintiffs' Complaint.

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## II. PARTIES

2.1 Defendants are without sufficient knowledge to admit or deny the allegations contained in Paragraph 2.1 of Plaintiffs' Complaint, and therefore deny the same.

2.2 Defendant Swedish Health Services admits that it is a Washington non-profit organization, which operates in part at 747 Broadway, Seattle, Washington.

2.3 Defendant Shannon admits the allegations contained in Paragraph 2.3.

## III. FACTS

3.1 Defendants admit the allegations contained in Paragraph 3.1.

3.2 Defendants admit the allegations contained in Paragraph 3.2 of Plaintiffs' Complaint.

3.3 With regard to the allegations contained in Paragraph 3.3, Defendant Shannon admits that he put an IV into the right femoral vein of [REDACTED]. Defendant Shannon further admits that he used a guidewire. With regard to the remaining allegation contained in Paragraph 3.3, Defendants are without sufficient information to admit or deny that allegation, and therefore it is denied.

3.4 Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 3.4, and therefore deny the same.

3.5. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 3.5, and therefore deny the same.

3.6 Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 3.6 of Plaintiffs' Complaint and therefore deny the same.

## IV. CAUSE OF ACTION

4.1 Defendants deny the allegations contained in Paragraph 4.1.

4.2 Defendants deny the allegations contained in Paragraph 4.2.

## V. DAMAGES

5.1 Defendants deny the allegations contained in paragraph 5.1.

1           5.2     Defendants deny the allegations contained in paragraph 5.2.

2           5.3     To the extent that the allegations contained in Paragraph 5.3 require an answer,  
3 Defendants deny.

4           5.4     To the extent that the allegations in Paragraph 5.4 require an answer,  
5 Defendants deny.

6                                   **VI.     PRAYER FOR RELIEF**

7           Defendants deny Plaintiffs' prayer for relief as Plaintiffs are not entitled to the relief  
8 sought therein.

9                                   **AFFIRMATIVE DEFENSES**

10          By way of further answer and affirmative defense, Defendants allege as follows:

11          1.       If more than one entity, as the term is used in RCW 4.22.070, is found to be at  
12 fault, then fault should be apportioned among all at-fault entities and among all persons or  
13 entities that may have settled with the Plaintiff at the time of trial. Defendants hereby request  
14 apportionment pursuant to RCW4.22 *et seq.*

15          2.       Any alleged injuries and damages were proximately caused by persons or  
16 entities other than the answering Defendants and/or by causes other than those for which the  
17 answering Defendants are responsible.

18          3.       Any alleged injuries and damages were proximately caused by Decedent  
19 and/or Plaintiffs' own comparative negligence/failure to mitigate.

20          4.       Plaintiffs assumed the risk.

21          5.       Plaintiffs have failed to state a claim against these Defendants for lack of  
22 informed consent.

23          6.       Defendants reserve the right to add affirmative defenses, counterclaims, and/or  
24 third-party claims as said defenses, counterclaims, or third-party claims become known during  
25 the course of investigation or discovery.  
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1 **PRAYER FOR RELIEF**

2 Wherefore, having fully answered Plaintiffs' Complaint for Medical Negligence,  
3 Defendants request entry of a judgment dismissing the Complaint for Damages and action  
4 with prejudice and awarding its costs.

5 DATED this 7<sup>th</sup> day of June, 2012.

6 BENNETT BIGELOW & LEEDOM, P.S.  
7

8 By A. Magnano  
9 William J. Leedom, WSBA #2321  
10 Amy M. Magnano, WSBA #38484  
11 Attorneys for Defendants Swedish Health  
12 Services d/b/a Swedish Medical Center and  
13 Michael C. Shannon, M.D.  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that she is now, and at all times material hereto, a citizen of the United States, a resident of the State of Washington, over the age of 18 years, not a party to, nor interested in the above entitled action, and competent to be a witness herein.

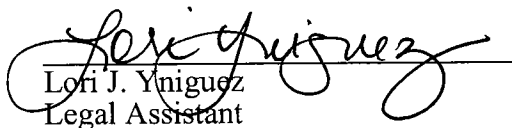
I caused to be served this date the foregoing in the manner indicated to the parties listed below:

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Attorneys for Plaintiffs

Dated in Seattle, Washington this 11<sup>th</sup> day of June, 2012.

  
Lori J. Yniguez  
Legal Assistant

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